



**WATER RESOURCES ADVISORY COMMISSION  
DECEMBER 19 Pre-CERP Baseline Issues Workshop  
Resolution of Issues Raised at December 3  
Issues Workshop and Follow Up Actions**



- Items starting with a bullet are issues identified in the December 3 workshop.
- 1. *Items starting with numbers identify the results of the December 19 workshop.*

**Existing Legal Source Definition Issues (See revised definition at the end of this document):**

**First Grouping:**

- Existing sources vs. legal sources (reference water deliveries to ENP in the Minimum Deliveries Act).
  1. *Provide presentation from DOI at 1/14/03 WRAC on Minimum Deliveries Act (Theresa Woody to Coordinate);*
  2. *Distribute minimum deliveries act and conference report prior to the meeting (Cecile Ross and Jim Vearil will provide);*
  3. *Presentation at January 14, workshop from Dr. Obeysekera on how model ran the Minimum Deliveries.*
- "consistent with state and federal laws" will added back into the definition.
- Sources of water made available should be quantities of water delivered or withdrawn from an existing legal source.
  1. *"Made available" defined as in Part 1.*
  2. *Don't need "Flood Protection" in the definition.*
  3. *Concept of "Discharged from the Regional System" does not equal wasted to tide until released from local coastal structure (as in the case of the LWDD).*
  4. *Flood Releases are sometimes used for Water Supply (example, EAA flood releases to WCA 3).*

**Second Grouping:**

- Beneficial uses vs. flood releases to estuaries (Biscayne Bay), WCA, and Loxahatchee River need to be identified.
  1. *Staff needs to develop a process on how to identify the beneficial portions of the flood releases with WRAC involvement (See White Paper Sections 4 and 5).*
- Does this definition differentiate between flood control discharges and water availability during tidal discharges?
  1. *Will get redefined by staff.*
- Last sentence of the definition as it relates to "elimination or transfer" is confusing. They need to be re-evaluated using performance measures. Are performance measures really performance criteria? Should there be other criteria? Duration of flood protection is unclear, it was suggested to be taken out. There were concerns expressed if you take out that portion of the definition because the LWDD uses the flood releases.

1. *Elimination or transfer "changed to" identification of", "evaluation" changed to "defined".*
  2. *"Performance Measures" changed to "Performance Criteria"*
  3. *"Duration for Flood Protection" is out.*
- The Stage depth and duration are important but need to be separated from flood protection.
1. *Staff will take care of making this change.*

### **Third Grouping:**

- Define existing legal sources basin and how they were determined?
1. *See White Paper*
- What are the current Existing Legal Source Basins and how they will affect water availability if they are not currently receiving restoration water?
1. *Not an Existing Legal Source Issue.*
- How are non-consumptive uses and the protection source of supply included in this definition?
1. *This issue was discussed in the morning's question and answer period and the group thought it is conceptually addressed in the current definition.*
- How are wetland and urban ecology supplied, non-utility supplies, covered?
1. *Standard within Consumptive Use Permits (CUP) protect these wetlands.*
  2. *Identify small wetlands that need protection.*
  3. *Identify performance measures for wetland such as Pennsuco, Southern Golden Glades, Corbett, Pond Apple Slough, Model Lands, Southern Glades and Biscayne Bay Coastal Wetlands.*
  4. *Work with local government to identify issues related to wetlands within the urban areas such as Pond Apple Slough, Model Lands, Southern Glades and Biscayne Bay Coastal Wetlands*
  5. *Joe Walsh will take lead to work to identify the smaller wetland to be included and work out the details.*
- "Used as a water supply" needs to be defined.
1. *This issue was discussed in the morning's question and answer period and the group thought it is conceptually addressed in the current definition. In particular:*
    - a) *Lake Okeechobee backpumping for water supply will not be included as a source, since this is only an emergency operation.*
    - b) *Flood control releases to the lake will be considered in the basic assumptions and may be a part of the source for existing legal users depending on extent water used as water supply.*
- What are differences between items 3 + 4 of the definition, as to Reservation lands versus leased lands? - Item 4 is required for ENP.
1. *Leased land included for Fish & Wildlife Protection in Item 3 of definitions.*
  2. *The revised definition will tract WRDA language on Part I, 1-5 of the definition.*
- How is urban and agricultural irrigation, which have been used for aquifer and or wetlands recharge, covered in this definition?
1. *Both operational and land uses are protected in the definition.*
- What about water used for natural areas not captured in the entitlement (Seminole Tribe Issue)?

1. *Identify natural areas not captured in the entitlement that need protection and identify performance measures.*

- Does the definition encompass the whole range of South Florida hydrological conditions?
  1. *Needs to be worked out.*

### **Modeling Issues:**

- Scale of SFWMM - How will SFWMM capture smaller sources due to grid size? Need to add local models into definition! (Seminole Tribe Issue).
  1. *Need to develop smaller scale models for area not within boundaries of the SFWMM (2 x 2 model). For areas within the SFWMM no additional models will be developed until the PIR process.*
- Define availability – Refer to latest version of the definition. Concerns were expressed over areas not covered in Model as they provide for fish and wildlife habitat.
  1. *Will be done.*

### **Other Issues:**

- Performance Measures versus Performance Criteria (Group agreed that this change needed to be made to the definition?)
  1. *Performance Criteria will be used. (Comment made by John Marshall on "performance measure" language and definition.)*

### **Issues Concerning the Definition of “Available”:**

- What about a source of water that is available, but not legal, permitted uses?
- Amount available is determined by SFWMD. Action taken since the Bill by WMD made less water available (WSE). Date bill passed vs. SFWMD actions.
- Governor's Commission for a Sustainable South Florida defined available as permitted. However, the permitted amount is a small amount of all water used in urban uses/ecology.
- Available water is based on dry and wet conditions.
  1. *These issues were discussed in the morning's question and answer period and the group thought it is conceptually address in the current definition.*

## **Pre-CERP Baselines General Principles and Issues**

### **Issues with Conditions Assumptions**

- Want to see a cumulative model run – turn on all at the same time.
  1. *Look at the cumulative runs for the 1995 base.*
- Does not identify where new water by authorized but not built facilities came from without having impacts to existing users.
  1. *Authorized project not in the ground in December of 2000 will not reflect what was in place at time and will skew model results.*
- Sticking point on definition of existing legal source.
- Legal impact or connotations of Pre-CERP Baseline require first to define "Existing Legal Source"
- Concerns expressed over the variability of the data used in the model and how it is going to be used in the model assumptions. How will the variability affect the model outcome?
- What if there had not been a discharge in 2000 for the protection of fish and wildlife in Lake Okeechobee?
- What if MFL equal to a reservation?
- If in a drought year, if water were cutbacks were made to EAA, why did it have the 3rd or 4th largest crop?
- What baseline hydrology condition would be provided under the Operating. Conditions for LEC area and Broward County? What are the criteria – are they enough. Need analysis and possible adjustment to curve.

*There was General Discussion on all the above bulleted issues and all questions were addressed resolving the concerns expressed.*

- How do we resolve the issue of Base 83, when ISOP was in place in 2000, as emergency operations for protection of the Cape Sable Seaside Sparrow (CSSS)?
  1. *The resolution will come from reaching agreement on the operational scheme to be used in Pre-CERP Baseline.*
- The year 2000 was a non-representative base year. (The concern is over the use of the year 2000, which may have been a drought year, as a representative year. If that is the case you need to work an average for several years).
  1. *Staff will look at rainfall comparisons for 1995 through 2000 and actual pumpages in urban areas to see if 2000 is a representative year.*
- In the years 95-99, test 7 was used, not Base 83.
  1. *This issue will be reviewed at the next meeting.*
- Show graph of NSM, Base 83, and Test 7.
  1. *This issue will be reviewed at the next meeting.*
- How was the pumpage modeled for permitted amounts?
  1. *Input permitted allocation amounts by utility in SFWMM.*

- Need to incorporate flood protection into the water supply, baseline discussions and modeling runs.
  1. *Include flood protection in Pre-CERP Baseline –*
  2. *Develop performance criteria for ponding depth and duration*
  3. *Need to track using Pre-CERP Baseline.*

**All issues raised at the December 3 meeting were reviewed and were either resolved or agreement on how to resolve them was identified.**

### **Revised Existing Legal Source Definition**

Existing legal sources are the sources of water ~~made~~ available to an existing legal source basin within the South Florida ecosystem from all locations (including seepage, surface water, and groundwater) used as a water supply, including the water necessary for protection of the source of supply, as of December 11, 2000, consistent with Federal and State law for:

- 1) ~~urban and agricultural allocations, including those uses exempt from permitting requirements; an agricultural or urban water supply;~~
- 2) ~~the entitlement of the Seminole Tribe of Florida; allocation or entitlement to the Seminole Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 ( 25 U.S.C. 1772e);~~
- 3) ~~the Miccosukee Tribe of Indians of Florida (reservations and leased lands);~~
- 4) ~~requirements~~ water supply for Everglades National Park; ~~and or~~
- 5) water supply for ~~protection of~~ fish and wildlife.

The availability of an existing legal source is based upon structural and operational features existing as of December 2000 over a period of record of historical rainfall that coincides with the ~~latest version of the~~ South Florida Water Management Model or appropriate sub-regional model, as revised through an approved technical and public process. [\*\*\*(SFWMM Ver.\_\_\_\_). Deviations from the original performance criteria due to changes in model input and revisions due to the progression of versions must be justified and addressed through a public and peer review process. The pre-CERP Baseline assumptions established in SFWMM Ver.\_\_\_\_ for the 2000 conditions will be preserved fro future comparisons with the same model versions\*\*\*] ~~Elimination or transfer~~ Identification of existing legal sources will be ~~evaluated defined through~~ based on performance measures criteria by documenting water supply levels of service, water quality, stage, depth, and duration ~~for flood protection~~, and fish and wildlife protection over the same period of historical rainfall.

[\*\*\*Language in this section was proposed and distributed at the December 19 meeting but neither discussed or accepted by the group. It is provided at this time for your review and it will be discussed at the January 14 workshop\*\*\*]